

DESCRIPTION OF THE INVESTIGATION PROCESS

CS-24

(7-06)

The Children's Division has received a report of child abuse or neglect which involves you or a member of your family. Missouri law, Chapter 210 RSMo, requires the Division to investigate all reports of child abuse and neglect. The identity of the person who reported the incident of abuse or neglect is confidential.

During the investigation the Division will decide if abuse or neglect has occurred. The investigation may include: collecting evidence, interviewing witnesses and family members, and contacting persons who know the child and family. The Division will also offer assistance to families who are in need of services. The primary purpose of this investigation is to determine whether child abuse or neglect has taken place by a preponderance of the evidence. The Division's role is not to conduct a criminal investigation, although information uncovered in the investigation may be shared with law enforcement if appropriate.

Missouri Law requires the Division to communicate the status of a report to the local public school district liaison or principal of a private school. Information contained in the record will remain confidential and will not be released to anyone except as provided in Chapter 210, RSMo.

The Division will make every attempt to complete this investigation within thirty days, unless good cause for delay exists. Within forty-five days you will receive a letter from the Division which will inform you of one of the following:

- (1) **The allegations of abuse or neglect are unsubstantiated.** If the Division does not find insufficient evidence of abuse or neglect, the report will be concluded as unsubstantiated. All information will be retained as required by law. If the report results in an unsubstantiated finding, at the reporter's request a referral may be made to the *Office of Child Advocate* for review, pursuant to 210.145, RSMo.
- (2) **The allegations of abuse or neglect are substantiated.** If the Division finds sufficient evidence of abuse or neglect, the report will be concluded as substantiated (found to be true). State law requires the investigative finding to be retained in the Division's Central Registry forever. *A substantiated finding of abuse or neglect may affect future employment, if a Central Registry search is part of a background screening.*
- (3) **Court Adjudicated.** If the report results in court adjudicated (criminal conviction, juvenile court action, or other court action which upholds the Division's findings) child abuse or neglect. The investigative record will remain in the Division's Central Registry forever.

STATEMENT OF CONSUMER RIGHTS

You have certain rights with regard to services that our agency may provide. These rights include the right to:

- Services without discrimination regardless of your age, race, religion, ethnicity, family background, sexual orientation or disability
- Be treated with respect
- Be active in making a service plan that meets your needs
- Refuse to participate in the services that are offered
- Know and understand what may happen if you refuse to accept services that are offered
- Protection of confidential information according to state statutes
- Receive services in a language that you can understand
- Legal representation at all stages of the investigation and subsequent proceedings
- To file a formal grievance if you feel you are treated unfairly

NOTE: THE FOLLOWING APPLIES TO ALLEGED PERPETRATORS ONLY: If you are the alleged perpetrator and you disagree with the Division's substantiated finding that abuse or neglect occurred, you have a right to consult with an attorney of your choice and you may request a review of the decision. The administrative review process must be completed before requesting a judicial review.

ADMINISTRATIVE REVIEW: You must request an administrative review within sixty (60) days of notification of the substantiated finding. The request must be made through the Children's Division office in the county which completed the investigation. In those cases where CD has received notice that a criminal investigation is ongoing or where charges may be brought, the administrative review request must be submitted within sixty (60) days of notification that criminal charges will not be filed or when the charges have been filed; within sixty days from the court's final disposition or dismissal of the charges. A request for review submitted prior to a resolution of criminal charge issues will be considered filed at the time that the criminal charge issues are resolved. *A substantiated finding of abuse or neglect may affect future employment, if a Central Registry search is part of a background screening*

JUDICIAL REVIEW: You must request a judicial review within sixty (60) days upon receipt of notification of the CANRB Administrative Review determination letter. The request for this review should be filed with the Circuit Court in the county where you reside or as otherwise provided in Missouri law Section 210.152 RSMo. *A substantiated finding of abuse or neglect may affect future employment, if a Central Registry search is part of a background screening.*